

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES GRZESLO,

Plaintiff,

v.

RAYTHEL FISHER, JR. et al.,

Defendants.

Case No. 1:21-cv-01371-EPG (PC)

ORDER VACATING OCTOBER 6, 2021  
FINDINGS AND RECOMMENDATIONS,  
DIRECTING CLERK TO TERMINATE AS  
PENDING MOTION FOR PRELIMINARY  
INJUNCTION AND MOTION FOR A  
TEMPORARY RESTRAINING ORDER

(ECF Nos. 7, 9, 17)

Plaintiff James Grzeslo is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (ECF Nos. 1, 5). Plaintiff filed a motion for preliminary injunction and motion for a temporary restraining order on October 4, 2021, which this Court recommended be denied in its October 6, 2021, findings and recommendations. (ECF Nos. 7, 9). This Court twice granted an extension of time for Plaintiff to file objections to the findings and recommendations. (ECF Nos. 12, 15).

Now before the Court is Plaintiff's response to the Court's most recent order granting Plaintiff an extension of time to file objections to the Court's findings and recommendations to deny Plaintiff's motion for preliminary injunction and motion for a temporary restraining order. (ECF No. 17, *see* ECF No. 15). Plaintiff states that he is withdrawing his motion for preliminary injunction and motion for a temporary restraining order, indicating that he may file a similar motion at a later stage in this case. (ECF No. 17).

1 Accordingly, given Plaintiff's voluntary withdraw of his motion for preliminary injunction  
2 and motion for a temporary restraining order, IT IS ORDERED as follows:

3 1) The Court's October 6, 2021 findings and recommendations (ECF No. 9) are  
4 vacated; and

5 2) The Clerk of Court is directed to terminate Plaintiff's motion for preliminary  
6 injunction and motion for a temporary restraining order (ECF No. 7).

7 IT IS SO ORDERED.

8  
9 Dated: November 16, 2021

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE